

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Klever Marketing, Inc.,)	
)	
Plaintiff,)	C.A. No: 6:13-cv-481-MHS-JDL
)	
v.)	
)	
Aéropostale, Inc.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
)	
)	

NOTICE OF DISMISSAL WITH PREJUDICE

WHEREAS, pursuant to Rule 41(a)(1)(A)(i), Plaintiff may voluntarily dismiss an action without Court order before the opposing party serves either an answer or a motion for summary judgment; and

WHEREAS, Defendant has not served either an answer or motion for summary judgment;

NOW THEREFORE, Plaintiff, by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismisses this action with prejudice, with each side to bear its own costs and fees.

Dated: July 1, 2013

Respectfully submitted,

/s/ Frank M. Washko

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